


Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
1998 Biennial Regulatory Review -- )  
47 C.F.R. Part 90 – Private Land Mobile ) WT Docket No. 98-182  
Radio Services ) RM-9222  
 )  
Replacement of Part 90 by Part 88 to Revise ) PR Docket 92-235  
the Private Land Mobile Radio Services )   
and Modify the Policies Governing Them )

To: Wireless Telecommunications Bureau

**COMMENTS OF APCO  
IN RESPONSE TO  
FURTHER NOTICE OF PROPOSED RULEMAKING**

The Association of Public-Safety Communications Officials-International, Inc. (“APCO”) hereby submits the following comments in response to the “Report and Order and Further Notice of Proposed Rulemaking” in the above-captioned proceedings, FCC 00-235 (released July 12, 2000) (“*Further Notice*”).

APCO is the nation’s oldest and largest public safety communications organization. Most of APCO’s over 15,000 members are state or local government employees involved in the management and operation of communications facilities for police, fire, emergency medical, highway maintenance, forestry conservation, emergency management and other public safety services. APCO is also the largest FCC-certified frequency coordinator for the Public Safety Pool channels.

Pursuant to Section 90.20(a)(1)(i) of the Commission’s rules, school and park districts and authorities, even if they are state or local government entities, are not eligible

for licenses in the Public Safety Pool, and must instead obtain licenses in most instances from the Industrial/Business Pool. The Commission now proposes to modify its rules to extend Public Safety Pool eligibility to include school and park districts and authorities, and to eliminate their current eligibility in the Industrial/Business Pool.

APCO has generally supported the basic principle that all state and local government entities be treated as public safety, which avoids the extremely difficult task of distinguishing between users based on their function rather than their identity. Nevertheless, APCO believes that it is premature to change the existing eligibility rule regarding school and park districts and authorities, at least insofar as it would apply to current licensees. The problem is that, over the last forty years, the Commission has created an imbedded base of school and park district and authority licensees in the Industrial/Business Pool, which cannot be accommodated within the Public Safety Pool unless and until additional public safety spectrum is available nationwide.

The Commission's proposed rule change is based on the misconception that there is no longer a severe shortage of public safety spectrum, citing the "recent reallocation of 24 megahertz of spectrum [in the 700 MHz band] to the public safety services, the consolidation of the public safety radio services into one Public Safety Pool, and the technical advances that have occurred since 1960."<sup>1</sup> First, as the Commission is well aware, the new 24 MHz of spectrum is not available in much of the nation, including many of its largest metropolitan areas, due to ongoing television broadcast operations. Second, consolidation of public safety radio services did not add any new spectrum for use by public safety, it merely eliminated some of the more specific eligibility restrictions

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<sup>1</sup> *Further Notice* at ¶ 44.

between the previous public safety service categories. Third, while there have been technical advances, those improvements have not kept pace with the increasing demand for Public Safety Pool channels by police, fire, emergency medical and other critical services. Just four years ago, the Public Safety Wireless Advisory Committee concluded that

the radio frequencies allocated for Public Safety use have become highly congested in many, especially urban, areas. Usable spectrum for mobile operations is limited, and Public Safety agencies are not able to meet existing requirements, much less plan for future, more advanced communications needs.<sup>2</sup>

Aside from the 24 MHz allocation, which is still not a reality in much of the nation, little if anything has been done to address that spectrum congestion.

APCO is particularly concerned that large numbers of school and park districts and authorities, if given a choice, would modify their existing Industrial Pool/Business licenses for operation on Public Safety Pool channels in the same band. In most cases, this could be accomplished without any significant changes to their current radio equipment. Districts and authorities would want to move to Public Safety Pool channels to escape the even greater congestion in the Industrial/Business Pool, which is not subject to the same level of rigorous frequency coordination used in the Public Safety Pool to minimize interference among licensees. APCO wishes that the Public Safety Pool could accommodate this influx of school and park districts and authorities, most of which are state or local government entities. Unfortunately, that would create even greater congestion in the already crowded Public Safety Pool and would increase the risk of

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<sup>2</sup> Public Safety Wireless Advisory Committee, *Final Report*, at 2 (September 11, 1996).

dangerous interference to communications essential to the protection of life, health, and property.

When and where the 700 MHz public safety band becomes available, there *may* be sufficient spectrum for school and park districts and authorities to become Public Safety Pool licensees.<sup>3</sup> This may occur in either the 700 MHz band itself or in lower frequencies that may become available as some public safety users migrate to the new band. Except in those instances, however, APCO reluctantly (but necessarily) opposes giving Public Safety Pool eligibility to school and park districts and authorities.

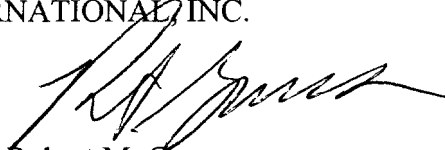
### CONCLUSION

Therefore, for the reasons set forth above, APCO opposes the Commission's proposal regarding Public Safety Pool eligibility for school and park districts and authorities, except in those areas where the 700 MHz public safety spectrum is unencumbered and available for immediate use.

Respectfully submitted,

ASSOCIATION OF PUBLIC-SAFETY  
COMMUNICATIONS OFFICIALS-  
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November 14, 2000

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<sup>3</sup> The spectrum needs analysis conducted by the Public Safety Wireless Advisory Committee, which lead to the 700 MHz band allocation, did not include school and park districts and authorities. Thus, the 700 MHz band public safety spectrum may not be sufficient in many areas to accommodate school and park districts and authorities, as well as other eligible users.